

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS**

ARIAD PHARMACEUTICALS, INC., )  
MASSACHUSETTS INSTITUTE OF )  
TECHNOLOGY, THE WHITEHEAD )  
INSTITUTE FOR BIOMEDICAL RESEARCH, )  
and THE PRESIDENT AND FELLOWS OF )  
HARVARD COLLEGE )  
Plaintiffs, )  
v. )  
ELI LILLY AND CO., )  
Defendant )  
)

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**Civil Action No. 02 CV 11280 RWZ**

**PLAINTIFFS' MOTION TO COMPEL THE TESTIMONY  
OF DR. RICHARD B. GAYNOR**

Pursuant to Federal Rules of Civil Procedure 26 and 37, and the Local Rules of this Court, Plaintiffs ARIAD Pharmaceuticals, Inc. ("ARIAD"), Massachusetts Institute of Technology ("M.I.T."), The Whitehead Institute for Biomedical Research ("The Whitehead Institute"), and The Presidents and Fellows of Harvard College ("Harvard") (collectively referred to hereinafter as "Plaintiffs"), hereby move for an order compelling Defendant Eli Lilly & Co. ("Lilly") to produce Dr. Richard B. Gaynor as a witness for deposition in this action.

**LOCAL RULE 7.1 AND 37 CERTIFICATION**

Counsel for Plaintiffs hereby certify that it has conferred with counsel for Defendant Lilly and has attempted in good faith to resolve or narrow the issues presented in this motion. The most recent conference was held on January 7, 2005.

Dated January 14, 2005

Respectfully Submitted

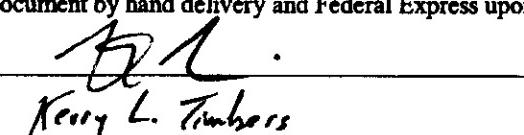
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**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing document by hand delivery and Federal Express upon counsel of record for the defendant on the above date.

  
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Kerry L. Timbers